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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,375	09/13/2000	Hannes Eberle	23453-020	8034

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EXAMINER	
LERNER, MARTIN	
ART UNIT	**PAPER NUMBER**
2654	

DATE MAILED: 09/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/661,375	EBERLE ET AL.	
	Examiner	Art Unit	
	Martin Lerner	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 August 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *27 to 48* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *27 to 48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 July 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

In view of the Appeal Brief filed on 10 August 2005, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

The new ground of rejection concerns the rejection of claims 29 to 33, 36, 38 to 42, 45, 47, and 48 under 35 U.S.C. §103(a) as being unpatentable over *Lumelsky* in view of *Honarvar et al.* Previously, claims 29 to 33, 36, 38 to 42, 45, 47, and 48 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Lumelsky* in view of *Yost et al.* Applicants' Appeal Brief contains a newly presented argument directed to the fact that *Yost et al.* is not prior art due to a common assignment to *Microstrategy, Inc.* Accordingly, the new ground of rejection is required to respond to Applicants' stipulation that *Yost et al.* is not prior art under 35 U.S.C. §103(c) because it is commonly assigned to *Microstrategy, Inc.*, and only qualifies as prior art under 35 U.S.C. §102(e).

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

Claims 27, 28, 34, 35, 37, 43, 44, and 46 are rejected under 35 U.S.C. 102(e) as being anticipated by *Lumelsky*.

Regarding independent claims 27 and 28, *Lumelsky* discloses a method and system for singlecast interactive radio system, comprising:

"means for providing at least one voice service, to which a plurality of users may subscribe, that can output personalized content during an interactive voice broadcast" – in general, the singlecast interactive radio system 100 delivers digitized audio-based content to subscribers upon their request; the system preferably includes a plurality of user terminals (column 8, lines 37 to 46: Figure 1); associated with each user is a profile, which defines the user's topics of interest ("personalized content") (column 19, lines 53 to 56);

"means for generating content for the at least one voice service when the at least one voice service is executed" – content authoring tools enable content creators (e.g.

news service providers) to produce a highly compressed voice-based information content, to be stored on data network (e.g. Internet) servers, such as the data repository 401 (column 8, lines 46 to 50: Figure 1);

"means for applying subscriber-specific personalization information for each subscriber of the at least one voice service to the generated content, so as to personalize the generated content for each subscriber, wherein personalized content for a subscriber is formatted into a unique active voice page generated for the subscriber" – personal radio station servers (PRSSs) 201 store multiple subscribers' profiles with topics of individual interest, and assemble content material from various Web sites according to topics (column 8, lines 50 to 53: Figure 1); associated with each user is a profile, which defines the user's topics of interest ("personalized content"); the profile content is typically defined in terms of a list of topic categories, e.g. international news, sports news, business news, etc. (column 19, lines 53 to 58); when a subsequent session is initiated, the user will receive all information listed in the user's list of topics, but only that information pertaining to the user selected topics of interest (column 10, line 63 to column 11, line 13); via a pre-fetching mechanism, i.e. using the profiles and noted access patterns of the user, the PRSS may anticipate which information may be of interest in the near future and retrieve such data so that the data is available at the PRSS upon user request; cache-based systems on the market include Netscape® (column 20, lines 40 to 52); a user's list of topics of interest defines "a unique active voice page generated for the subscriber";

"means for initiating an outbound communication to the subscriber to establish an interactive voice broadcast with the subscriber" – personal radio station servers (PRSSs) 201 transmit the content to a subscriber's user terminal 301, on the subscriber's request, over the wireless network 403 (column 8, lines 50 to 55: Figure 1); there are preferably two distinct methods of information retrieval via the PRSS directory services; one method is based on assembling the information on all the topics of interest; when a subsequent session is initiated, the user will receive all information listed in the user's list of topics, but only that information pertaining to the user selected topics of interest; "push technology" permits a user to create a profile and to receive information on topics identified in his profile via the previously established search criteria (column 10, line 63 to column 11, line 30); clearly, "push technology" involves "initiating an outbound communication to the subscriber";

"means for presenting personalized content to the subscriber from the subscriber's unique active voice page during the interactive voice broadcast" – the user terminal 301 restores voice-based material with AM-radio voice quality or better (column 8, lines 55 to 57: Figure 1); the user terminal 301 receives a CES file(s) via the antenna 311, and decompression engine 314 synthesizes the voice using one or more recorded allophone dictionaries by text-to-speech synthesis; the user may pre-select the type of "voice" he wishes to have narrate the requested decompressed information (column 12, lines 16 to 45).

Regarding claims 34 and 43, *Lumelsky* discloses the encoded speech file is stored as a data structure, e.g. as an HTML document (column 10, lines 54 to 56); an HTML document is "a markup language document".

Regarding claims 35 and 44, *Lumelsky* discloses a user may browse among CES documents according to temporary established search criteria; a user can request additional information on a registered topic of interest; a user may enter a particular search term (e.g. "weather") during an on-line session (column 11, lines 13 to 31); implicitly, entering search terms involves "at least one input element for requesting input from the subscriber" during an on-line session.

Regarding claims 37 and 46, *Lumelsky* discloses a user may browse among CES documents according to temporary established search criteria; a user can request additional information on a registered topic of interest; a user may enter a particular search term (e.g. "weather") during an on-line session (column 11, lines 13 to 31); implicitly, entering search terms involves "dynamically interacting with the subscriber in real-time during the interactive voice broadcast via one or more personalized inputs embedded in the active voice page".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 29 to 33, 36, 38 to 42, 45, 47, and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Lumelsky* in view of *Honarvar et al.*

Concerning independent claims 47 and 48, *Lumelsky* discloses a method and system for singlecast interactive radio system, comprising:

"providing at least one voice service, to which a plurality of users may subscribe, that can output personalized content during an interactive voice broadcast" – in general, the singlecast interactive radio system 100 delivers digitized audio-based content to subscribers upon their request; the system preferably includes a plurality of user terminals (column 8, lines 37 to 46: Figure 1); associated with each user is a profile, which defines the user's topics of interest ("personalized content") (column 19, lines 53 to 56);

"generating content for the at least one voice service when the at least one voice service is executed" – content authoring tools enable content creators (e.g. news service providers) to produce a highly compressed voice-based information content, to be stored on data network (e.g. Internet) servers, such as the data repository 401 (column 8, lines 46 to 50: Figure 1);

"applying subscriber-specific personalization information for each subscriber of the at least one voice service to the generated content, so as to personalize the generated content for each subscriber, wherein personalized content for a subscriber is formatted into a unique active voice page generated for the subscriber" – personal radio station servers (PRSSs) 201 store multiple subscribers' profiles with topics of individual interest, and assemble content material from various Web sites according to topics

(column 8, lines 50 to 53: Figure 1); associated with each user is a profile, which defines the user's topics of interest ("personalized content"); the profile content is typically defined in terms of a list of topic categories, e.g. international news, sports news, business news, etc. (column 19, lines 53 to 58); when a subsequent session is initiated, the user will receive all information listed in the user's list of topics, but only that information pertaining to the user selected topics of interest (column 10, line 63 to column 11, line 13); via a pre-fetching mechanism, i.e. using the profiles and noted access patterns of the user, the PRSS may anticipate which information may be of interest in the near future and retrieve such data so that the data is available at the PRSS upon user request; cache-based systems on the market include NetScape® (column 20, lines 40 to 52); a user's list of topics of interest defines "a unique active voice page generated for the subscriber";

"initiating an outbound communication to the subscriber to establish an interactive voice broadcast with the subscriber" – personal radio station servers (PRSSs) 201 transmit the content to a subscriber's user terminal 301, on the subscriber's request, over the wireless network 403 (column 8, lines 50 to 55: Figure 1); there are preferably two distinct methods of information retrieval via the PRSS directory services; one method is based on assembling the information on all the topics of interest; when a subsequent session is initiated, the user will receive all information listed in the user's list of topics, but only that information pertaining to the user selected topics of interest; "push technology" permits a user to create a profile and to receive information on topics identified in his profile via the previously established search

criteria (column 10, line 63 to column 11, line 30); clearly, "push technology" involves "initiating an outbound communication to the subscriber";

"presenting personalized content to the subscriber from the subscriber's unique active voice page during the interactive voice broadcast" – the user terminal 301 restores voice-based material with AM-radio voice quality or better (column 8, lines 55 to 57: Figure 1); the user terminal 301 receives a CES file(s) via the antenna 311, and decompression engine 314 synthesizes the voice using one or more recorded allophone dictionaries by text-to-speech synthesis; the user may pre-select the type of "voice" he wishes to have narrate the requested decompressed information (column 12, lines 16 to 45);

"dynamically interacting with the subscriber in real-time during the interactive voice broadcast via one or more personalized inputs embedded in the active voice page" – a user may browse among CES documents according to temporary established search criteria; a user can request additional information on a registered topic of interest; a user may enter a particular search term (e.g. "weather") during an on-line session (column 11, lines 13 to 31); implicitly, entering search terms involves "dynamically interacting with the subscriber in real-time during the interactive voice broadcast via one or more personalized inputs embedded in the active voice page".

Concerning independent claims 47 and 48, the only element not expressly disclosed by *Lumelsky* is "wherein the generated content includes information derived from an on-line analytical processing (OLAP) system, and where the at least one voice service is executed upon satisfaction of a predetermined condition". While on-line

analytical processing (OLAP) is well known for personalized web pages, *Lumelsky* does not expressly teach on-line analytical processing (OLAP) executed upon satisfaction of a predetermined condition. However, *Honarvar et al.* teaches the use of online analytical processing (OLAP) in a rules based decision management system, where an inbound event is a trigger to identify that a particular client event has occurred. Such events may be automatically generated due to client behavior or systematically produced at specified time intervals. (Column 3, Lines 13 to 22: Figure 2) A triggering event due to client behavior or at specified time intervals is execution "upon satisfaction of a predetermined condition." It is stated that a decision management system using on-line analytical processing (OLAP) can provide superior results, increased revenue generation, improved cost-effectiveness, and enhanced customer relationships. (Column 3, Lines 6 to 9) It would have been obvious to one having ordinary skill in the art to provide on-line analytical processing (OLAP) of a service executed upon satisfaction of a predetermined condition as taught by *Honarvar et al.* in the method for singlecast interactive radio system of *Lumelsky* for the purpose of providing superior results, increased revenue, and enhanced customer relationships.

Concerning claims 29 to 32 and 38 to 41, *Honarvar et al.* teaches inbound events for triggering may be systematically produced at specified time intervals (i.e. monthly), or a routine evaluation date (a periodic, scheduled evaluation) ("a scheduled, time-based condition" or "triggering event") (column 3, lines 13 to 23: Figure 2); inbound events may be automatically generated due to client behavior as inbound triggering events ("a predetermined condition") (column 3, lines 13 to 23: Figure 2); clients are

segregated for applying different rules; for example, a segment for residential customers and another for business customers; (column 3, lines 23 to 34: Figure 2); implicitly, whether a customer is a residential or business customer is a property "specified by a user when subscribing"; similarly, clients may be grouped based upon how the organization views the clients, by dividing credit card holders into categories of Bronze, Gold, Platinum; implicitly, a type of credit card held by a customer is "specified by a user while subscribing".

Concerning claims 33 and 42, *Honarvar et al.* teaches the use of online analytical processing (OLAP) in a rules based decision management system, where an inbound event is a trigger to identify that a particular client event has occurred ("information derived from an on-line analytical processing (OLAP) system") (column 3, lines 13 to 22: Figure 2); it is stated that a decision management system using on-line analytical processing (OLAP) can provide superior results, increased revenue generation, improved cost-effectiveness, and enhanced customer relationships (column 3, lines 6 to 9).

Concerning claims 36 and 45, *Honarvar et al.* teaches a software bases system 10 receives information from customer information systems 20, and tailors customer interactions based on predictive information and decision strategies; software based system 10 then determines an appropriate action which is to be taken by an action-taking system 30; an appropriate action to be taken could include a call to a customer ("initiating an outbound communication to the subscriber comprises initiating an outbound telephone call") (column 2, line 61 to column 3, line 5: Figure 1).

Conclusion

The prior art made of record and not relied upon is considered pertinent to Applicants' disclosure.

Kurz et al. ("Data warehousing within intranet: prototype of a web-based executive information system") discloses related art concerning on-line analytical processing (OLAP).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Martin Lerner whose telephone number is (571) 272-7608. The examiner can normally be reached on 8:30 AM to 6:00 PM Monday to Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571) 272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RICHEMOND DORVIL
SUPERVISORY PATENT EXAMINER

ML
9/1/05